IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2802 OF 2006

Narendra C. Soni ..Appellant
V/s
Chokshi Arvind Jewellers
And others ..Respondents.

Mr. H.R. Desai, Advocate for the appellant.

Mr. K.H. Holambe Patil, Advocate forrespodnent NO.1.

Mr. D.P.Adsule, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 17TH JANUARY, 2007.

P.C.

. Heard Mr. H.R.Desai, learned Counsel for the petitioner and Mr.Holambe Patil, learned Counsel for respondent No.1, who is original complainant. Respondent No.2,3,and 4, who are the original accused, are not necessary parties for decision of this petition. Heard Mr. Adsule, APP for the State-respondent No.5.

2. After the prosecution evidence was completed and application was made by the present petitioner, who is accused for the offence under Section 138 of Negotiable Instruments Act, calling upon the complainant to admit

certain documents under section 294 of Cr.P.C. He admitted some of the documents, but refused to admit three of them. Thereafter, the accused made an application to recall the complainant for further cross-examination but that request was turned down by the learned Magistrate. In revision, the learned Sessions Court allowed the complainant to be recalled for cross-examination only limited to the extent of the documents, which were not admitted. The accused is not satisfied with the same and by this petition, he seeks direction that there should be no restrictions on the cross-examination, as cross-examination on the basis of the documents, which are admitted is also necessary for the proper decision of the matter. After discussion at bar Mr. Holambe Patil, the learned Counsel for the complainant/respondent No.1 states that he has no objection to allow the petition, provided the accused does not unnecessarily prolong the trial. Mr. Desai assured that there will be no attempt to delay the matter on the part of the accused. The date before the trial is already fixed today.

3. In view of the above circumstances, the petition is allowed in terms of prayer clause (b).

4. The accused and the complainant shall appear before the trial Court today and thereafter, the learned Magistrate may fix the matter for recording of cross-examination of the complainant and the accused shall not be given more than one month to complete defence evidence,if any. The learned trial Court shall dispose off' the matter before the end of March, 2007.

5. Petition stands disposed of in view of the above terms.

(J.H. BHATIA, J.)